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CURRENT DECISIONS

ADMIRALTY—SEAMEN'S WAGES—ADVANCES IN FOREIGN PORT BY FOREIGN VESSEL.—The libelants were seamen who signed in France for two years' service on a British ship, receiving an advance of a half-month's wages, which was legal under British law. When the vessel reached New York, the seamen, being afraid of submarines, abandoned their contract and, a demand for half their wages having been refused, libeled the vessel, claiming full wages and contending that the advance payment made in France was void under the Seamen's Act (U. S. Comp. St. 1916, secs. 8322-3). *Held,* that the libelants were not entitled to recover, as they had already received more than half of their wages in advance and such advances were legal payments. *The Belgier* (1917, S. D. N. Y.) 246 Fed. 966.

The federal statute has been held to forbid advances by foreign ships in American ports and by American ships in foreign ports. *Patterson v. Bark Eudora* (1903) 190 U. S. 169, 23 Sup. Ct. 821; *The Rhine* (1917, E. D. N. Y.) 244 Fed. 833. One case has held that it forbids advances to alien seamen by a foreign ship in a foreign port. *The Imberhorne* (1917, S. D. Ala.) 240 Fed. 830. It is believed that the principal case makes a more reasonable construction of the statute in excluding such a case from its application.

CONFLICT OF LAWS—JURISDICTION FOR DIVORCE—SUIT BETWEEN ALIENS IN FRANCE.—An action for divorce was brought by a Russian woman against her Russian husband in the French courts. In accordance with the requirements of Russian law (one of the parties having been a Roman Catholic and the other a member of the Orthodox Russian Church), they had been married in Paris by a Russian clergyman; and they had also had a marriage ceremony performed by a French civil officer. By the Russian law, a divorce between people whose marriage was required to be celebrated before a Russian clergyman must likewise be pronounced by a Russian clergyman. *Held,* on a plea to the jurisdiction of the French court, that the court had no jurisdiction, inasmuch as the parties were governed by their national (Russian) law, which was their personal statute. The court added that a treaty of 1874 between Russia and France giving the citizens of either contracting party full access to the courts of the other had no application to the case, and that the French civil courts could neither enforce the provisions of the Russian law requiring Russian religious authorities to pronounce a divorce, nor enforce the French law in substitution for the Russian law. *Stankiewicz v. Stankiewicz,* Court of Paris, Jan. 26, 1914, reported in (1917) 44 CLUNET, 602.

This decision may be contrasted with another, also involving the marriage status of aliens. The marriage of two British subjects, celebrated in France, was annulled by a British court. On application in France for an *exequatur* validating and decreeing the registration of the British judgment, it was held that the judgment should be enforced in France. *Sassoon v. Sassoon,* Tribunal Civil de la Seine, December 13, 1916, reported in (1917) 44 CLUNET, 614.

CONTEMPT—DIRECT CONTEMPTS—LETTER MAILED TO JUDGE.—While an appeal from a decree denying probate of a will was pending before the Prerogative Court of New Jersey, the proponent of the will mailed a letter to the Ordinary in which he abused opposing counsel and the trial judge, disparaged a witness and protested that he would agree to donate whatever he might receive under the will, if it were probated, to any charitable institution the Ordinary might

select. *Held,* that the proponent was guilty of a direct contempt. *In re Merrill* (1917, N. J. Prerog.) 102 Atl. 400.

The case is interesting for the learned opinion of the Ordinary on the subject of contempts and on the jurisdiction of the Prerogative Court to punish them.

CONTEMPT—DIRECT CONTEMPTS—REFUSAL BY DRAFT BOARD TO GIVE UP COURT ROOM.—The respondent, chairman of a local draft board, was using the vice chancellor's courtroom for the physical examination of men drafted for military service, when he was informed that the vice chancellor wanted the room for the hearing of a case. The respondent declined to give up the room that day, and, although he had an hour's intermission at noon, failed to communicate with the vice chancellor. *Held,* that the respondent was guilty of contempt *facie curiae. In re Schmidt* (1917, N. J. Ch.) 102 Atl. 264.

The court was careful to point out that there was no conflict of authority between the state court of chancery and the federal exemption board. There were other rooms in the court house which could have been used by the board. In view of the respondent's protests of respect for the court, no punishment was inflicted.

CONSTITUTIONAL LAW—DUE PROCESS—LIEN UPON SALOON PREMISES UNDER DRAMSHOP ACT.—The defendant owned a building which he rented to a tenant for a saloon. In a prior suit the plaintiff had recovered a judgment by default against the tenant for injury to her means of support by reason of intoxicating liquor furnished to her husband at the tenant's saloon. The Dramshop Act (Ill. Rev. Stat. ch. 43, sec. 10) declared that such a judgment should be a lien upon the premises wherein the liquor was sold if the owner had rented them for the purpose of the sale of intoxicating liquor. The present suit was brought to subject the defendant's building to the lien of the judgment obtained against his tenant. The defendant contended that the enforcement of this lien would deprive him of property without due process, since the judgment had been rendered without notice to him or opportunity to defend. *Held,* that the lien was enforceable and the statute, thus applied, constitutional. *Eiger v. Garrity* (1918) 38 Sup. Ct. 298.

The court reasons that the statute in effect makes the tenant the lessor's agent, and that through this agency, voluntarily assumed by renting for saloon purposes, the landlord becomes a participant in the sales and responsible for their consequences. This is the first time the federal Supreme Court has passed upon the question. For decisions by state courts sustaining such statutes, see cases cited in *Garrity v. Eiger* (1916) 272 Ill. 127, 111 N. E. 735.

CONSTITUTIONAL LAW—DUE PROCESS OF LAW—VALIDITY OF LEGISLATION PROHIBITING "TRADING STAMPS."—A statute of Wisconsin forbade the issuing of "trading stamps" in connection with the sale of goods, subject to the exception that sellers might issue tickets redeemable only in cash for amounts stated on the faces thereof. A number of "trading stamp" firms brought actions against the appropriate state officer, asking the court to prevent the enforcement of the statute on the ground that it deprived them of liberty and property without due process of law. *Held,* that the statute was valid. *Sperry & Hutchinson Co. v. Weigle* (1917, Wis.) 166 N. W. 54.

The opinion calls attention to the great conflict of authority upon the point at issue, the tendency of the cases in the state courts until recently being to hold similar laws invalid. The decision in favor of the law is put on the sensible ground that the view of the legislature that "trading stamp" schemes are injurious to legitimate business is at least a reasonable one and hence that